



MIWB CM/ECF Newsletter

July, 2002



CM/ECF "Our Bridge To The Future"

U . S . Bankruptcy Court
for the Western District of Michigan
www.miwb.uscourts.gov

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ANNOUNCING CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF)

The United States Bankruptcy Court for the Western District of Michigan is pleased to announce the implementation of the federal judiciary's new automated docket and electronic filing system known as Case Management/Electronic Case Filing (CM/ECF). CM/ECF was developed through the Administrative Office of the U. S. Courts (AO) using Internet technology to provide federal courts a modern mechanism for handling information and moving closer to a paperless operating environment.

The case management (CM) portion of the system will replace the current BANCAP system. Not only will docket information be viewable, but most documents and pleadings will be viewable in their entirety as Portable Document Format (PDF) files.

How it works. The electronic filing (ECF) portion will allow trained attorneys and trustees to file bankruptcy cases and other pleadings over the Internet. ECF will only accept documents in PDF. PDF retains the way a document looks - so the pages, fonts, and other formatting are preserved. Filing a document with the court's CM/ECF system is quite easy:

1. Create the document using word processing software.
2. Save the document using PDF software.
3. Log onto the court's CM/ECF system, using a court-issued login and password.
4. Follow the set of simple prompts to provide information about the case, party, and document to be filed.
5. Attach the PDF document and submit it to the court for filing (by pressing a submit button).

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INTRODUCING THE CM/ECF NEWSLETTER

In order to keep our customers informed of changes related to CM/ECF, the Clerk's Office will periodically post a newsletter available to download from our web site.

Future issues will contain material such as: CM/ECF Skills Checklist, training request forms, and frequently asked questions (and answers).

If you have questions of the Clerk's Office and the CM/ECF system, please ask!! We will respond to you directly, and when appropriate, include your question and our answer in the next newsletter for the benefit of the entire bankruptcy community.

Please forward questions or comments to:

Patrice Nichol
CM/ECF Project Manager
(616) 456-2013
Patrice_Nichol@miwb.uscourts.gov

INTRODUCING CM/ECF (CONT.)

(Continued from p. 1)

6. Save or print the CM/ECF electronic receipt e-mailed from the court confirming that the document was filed.

Documents are automatically docketed as part of the filing process and are available immediately in electronic format. The system provides filers with immediate confirmation, including the date and time that an item is docketed.

CM/ECF allows attorneys to print case documents on their own office printers—no more pulling files and ordering copies. Docket sheets, claims registers, and many other reports are just keystrokes away with CM/ECF. Users may also opt to receive e-mail notification of filings in cases of interest.

Training. Once the court is ready to implement the ECF portion, Clerk's Office staff will hold training sessions for attorneys, trustees, and their staffs. At the end of training, users will be issued a password to access the court's CM/ECF system.

Signatures. Using your login and password to file a document is considered to be your signature. The court will issue logins and passwords after the successful completion of training.

Fees. There are no added fees for filing documents over the Internet in CM/ECF. Existing document filing fees do apply. Electronic access to court data is available through the Public Access to Court Electronic Records (PACER) program. Attorneys and litigants receive one free copy of documents filed electronically in their cases. Additional copies are available for viewing or downloading at seven cents per page, with a cap of \$2.10 for charges associated with any case file document obtained from CM/ECF. Also, no fee is owed until a user accrues \$10 worth of charges in a calendar year.

Security. CM/ECF has many security features and has passed an evaluation by the National Security Agency. Access to the system is through the court-issued login and password.

Start Date. The Clerk's Office is in the early stages of implementing the new system. Currently, we are reviewing: case flow processes, potential rules and procedures changes and internal & external training strategies. Our target date to begin using the CM portion is Spring 2003. It is anticipated that approximately four to six weeks after we begin using the CM portion, we will begin accepting electronically filed cases and documents.

CM/ECF RESOURCES

The following Internet sites provide additional CM/ECF information.

U.S. Bankruptcy Court for the Western District of Michigan

www.miwb.uscourts.gov (Includes computer-based training modules)

PACER Services Center

www.pacer.psc.uscourts.gov

U.S. Courts "About CM/ECF" Website:

www.uscourts.gov/cmecf/cmecf.htm

U.S. Courts "FAQs" Website

www.uscourts.gov/cmecf/cmecf_faqs.html

Benefits of CM/ECF

- # 24-hour access to documents filed over the Internet
- # Automatic e-mail notice of case activity
- # The ability to download and print documents directly from the court system
- # Concurrent access to case files by multiple parties
- # Secure storage of documents (so files are not misplaced)
- # No mail or couriers
- # Potential reduction in courier fees

What does it look like?

Starter Database Area - Netscape

File Edit View Go Communicator Help

Back Forward Reload Home Search Netscape Print Security Shop Stop

Bookmarks Location: https://ectrain.mwb.crb.dcn

InstantMessage WebMail Calendar Radio People Yellow Pages Download Customize... What's Related

ECF Bankruptcy Adversary Query Reports Utilities Logout

Party Information

Last name	<input type="text"/>	First name	<input type="text"/>
Middle name	<input type="text"/>	Generation	<input type="text"/>
SSN	<input type="text" value="123"/>	Tax ID	<input type="text" value="722-11-1234"/>
Office	<input type="text"/>	Address 1	<input type="text"/>
Address 2	<input type="text"/>	Address 3	<input type="text"/>
City	<input type="text"/>	State	<input type="text"/>
Country	<input type="text"/>	Country	<input type="text"/>
Phone	<input type="text"/>	Fax	<input type="text"/>
E-mail	<input type="text"/>	Role	<input type="text" value="Debtor (db.pl)"/>
ProSe	<input type="text" value="nu"/>		

Document: Done

Sample screen in CM/ECF Bankruptcy Case Opening

HARDWARE AND SOFTWARE REQUIREMENTS

Most offices already have the required hardware and software. However, there may be a few new items you'll need to get started. To operate CM/ECF, you must have the following equipment:

- # A personal computer running a standard platform such as Windows, Windows 95, Windows 98, or Macintosh.
- # An Internet Service Provider (ISP) using Point to Point Protocol (PPP).
- # Netscape Navigator version 4.6 or 4.7. Do not use a higher version of Netscape, or America Online's (AOL) version of Netscape. Internet Explorer version 5.5 is currently being tested to certify its compatibility with CM/ECF.

- # Adobe Acrobat PDF Writer software to convert documents from word processor format to portable document format (PDF). Acrobat Writer Versions 3.X, 4.X, and 5.0 adequately meet the CM/ECF filing requirements.
- # Adobe Acrobat Reader can be used to view, print and download documents; it cannot be used for creating or converting documents to PDF. (Available free of charge at www.adobe.com)
- # A PDF compatible word processor like Macintosh or Windows based versions of WordPerfect and Word.
- # A scanner to transmit documents that are not in your word processing system. Documents that are not available electronically, such as exhibits, can be scanned and saved as PDF file.



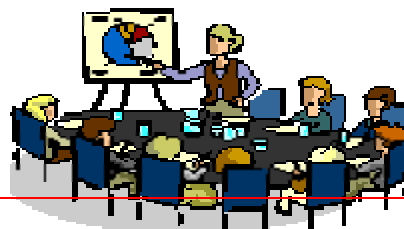
ATTORNEY ADVISORY COMMITTEE

The Clerk's Office would like to establish an Attorney Advisory Committee to assist with the development and implementation of the new CM/ECF system. The Attorney Advisory Committee would consist of attorneys, paralegals, members of the Clerk's Office & Chambers and Office of the US Trustee.

The purpose of the group would be to:

- # Disseminate information to users concerning the system.
- # Test components of the system before opening it to the entire Western Michigan bankruptcy community.
- # Provide comments and feedback on the development and operation of the CM/ECF

If you would like to participate with the Clerk's Office on this project, please fill out and return the Attorney Advisory Committee form (see page 7) or contact Daniel LaVille, Clerk (see page 6) for contact information). Further details will appear in future newsletters.



A number of Clerk's Office staff are actively engaged in transitioning the U.S. Bankruptcy Court for the Western District of Michigan away from BANCAP and paper filing toward CM/ECF. Various committees comprised of court staff from all departments have been formed (Dictionary, Communication/Awareness, Process Flows and Training). We are assessing procedural changes, preparing for rule changes, developing external & internal training plans, and performing a host of other tasks. The following individuals represent the Clerk's Office CM/ECF Project Team:

Daniel LaVille, Clerk of Court
Patrice Nichol, CM/ECF Project Manager
Hon. Jo Ann C. Stevenson, U.S. Bankruptcy Judge
Sheila Kooistra, Operations Manager

Ken Bross, Systems Manager
Sheri Brolick, System Administrator
Aleisha Moyle - Systems Administrator

FREQUENTLY ASKED QUESTIONS (FAQ)

Our newsletters will include FAQs about the CM/ECF system. Here are a few to get started.

Q: How many users can submit documents simultaneously?

A: There is no fixed limit, and we expect the system to maintain good performance with 100+ users. Response time and expanded use ultimately will tell us what the acceptable limit might be. Enhancements to communications capacity is expected to be an ongoing task to ensure that we meet user needs.

Q: Who may file a document in CM/ECF?

A: Filing a document in CM/ECF requires a login and password. Each court determines for itself to whom it will issue filing logins and passwords. At the present time, courts offering electronic filing are providing document filing access principally to attorneys, although some courts are also providing access to U.S. Trustees and bankruptcy case trustees.

Q: Who may view documents in CM/ECF?

A: Subject to court orders in individual cases, federal judiciary policy, or other individual court limitations, the public may view dockets and documents in CM/ECF systems through the Public Access to Court Electronic Records (PACER) program. PACER logins are available to the public at:
www.pacer.psc.uscourts.gov/register.html

Q: Do documents filed in CM/ECF have to be in a particular format?

A: CM/ECF accepts documents in **PDF format ONLY**. This format was chosen because it allows a document to retain its pagination, formatting, and fonts no matter what type of computer is used to view or print the document. It is also an open standard format.

Adobe developed the format and software that converts documents created in most word processing systems into PDF. This software is recommended.

??????????

Q: Are there fees associated with CM/ECF?

A: There are no added fees for filing documents over the Internet using CM/ECF, although existing court document filing fees do apply. Electronic access to individual case docket sheets and filed documents is available through PACER. Litigants receive one free copy of documents filed electronically in their cases; additional copies are available to attorneys and to the general public for viewing or downloading at the current PACER cost of seven cents per page. Directed by Congress to fund electronic access through user fees, the federal judiciary has set the fee at the lowest possible level sufficient to recoup program costs.

Q: How many people at a time may view an image? How many people at a time may view the docket?

A: There are no limitations for either function.

Q: Does CM/ECF check for duplicate filings when a user opens a case? In other words, when a party name is entered, will the system alert the user to other cases in which the filer appears?

A: The CM/ECF software does not automatically check for duplicate filings. However, when adding a participant to a case, a pick-list is presented with the names of parties that are already in the database. This provides a limited comparison. In bankruptcy cases, the ability to search by social security number in the "Query" function can assist courts in identifying duplicate filings. Providing the court staff and the bar with comprehensive training on case opening will be a key factor in avoiding this problem.

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FREQUENTLY ASKED QUESTIONS

(Continued from p. 5)

Q: Will docket entries identify who entered them?

A: Yes. All entries are identified by the name of the person that logged in and submitted the entry. The way a person's name appears in a docket entry may be determined by the court (e.g., full name, initials, etc...).

Q: When a user files a pleading with the court, does the system automatically serve the other parties or does the user have to do something extra to serve the others? And, do the other parties just get notification of a filing or do they get the actual document?

A: The system is set up so that when a court user or an attorney files a document with the court, a notice of electronic filing is generated that includes information about what was filed, the text of the docket entry, the unique document stamp, a list of case participants that receive e-mail notification of the filing, and a list of those that do not. The notice of electronic filing sent to those listed as receiving e-mail notification contains a hyperlink to the document.

Whether or not the receipt of this notice constitutes "service" depends on the provisions of the local rules of procedure. ~~Each of the prototype courts has a provision on this topic. Most provide that sending of an electronic notice of filing constitutes service.~~

CONTACT INFORMATION

If you have questions, please contact us:

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VERIFYING ATTORNEY RECORDS

In preparation for the new case management system, we must verify the accuracy of our attorney records. If you have changed law firms, addresses, phone numbers, etc., please write us and let us know so that we can correct your personal information in our data base. If you practice from two different locations, please let us know at which office we should be contacting you.

To help us maintain accurate records, please be consistent in the name and contact information you provide when filing pleadings.

To clarify or update your records, please contact :

Patrice Nichol
CM/ECF Project Manager
PO Box 3310



U.S. Bankruptcy Court, WDMI
110 Michigan Street, NW
P.O. Box 3310

Grand Rapids, MI 49501



Marquette Courthouse



UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF MICHIGAN

CM/ECF Attorney Advisory Committee Survey

The court plans to form an Attorney Advisory Committee in the near future. Members of this committee will be comprised of bankruptcy attorneys, representatives from the Office of the U. S. Trustee, along with members of the Clerk's office and Chambers. Our goal is to form a partnership with the Western District bankruptcy community to assist us in defining and developing our processes and training programs as they relate to CM/ECF. Members of this committee will be of the first wave of customers to utilize ECF in our court; and from the lessons learned, we hope to accelerate the process with subsequent groups of implementing attorneys.

As a member of the Attorney Advisory Committee not only will you be one of the first attorneys given access to the system for viewing and filing, you will be involved in evaluating the current release and recommending changes and improvements for this and future upgrades. Your input will be instrumental as we develop our processes and administrative procedures.

Even though the number of participants is limited, we would like to have representatives from various interests, i.e.: those practicing primarily creditor work along with those who primarily represent debtors, sole practitioners, trustee's counsel, larger firms, etc. If you are interested in serving on this committee, please take a moment to fill out the questionnaire and return it to Daniel LaVille by 09/13/02.

I. General Information

- A. Approximately how many bankruptcy petitions do you (or your firm) file in a month?
- B. Do you have multiple office addresses?

- C. Do you have a one-to-one ratio of clerical staff to attorneys or do you have a clerical pool?
- D. Who actually prepares new case documents & motions? (generally describe process)

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II. System Readiness

- A. Do you have a Systems Staff? If so, who is your systems contact person (and telephone number)
- B. Do you have a personal computer running a standard platform such as Microsoft, Windows or Macintosh? (Please circle)
Windows 95 Windows 98 Windows 2000 Macintosh
Other (specify) _____
- C. Is your processor a Pentium? If not, please specify.
- D. How much RAM (Random Access Memory) does your computer have?
- E. Do you have Internet access?
 - 1. If so, what type of internet connection do you have? (i.e.: dial-up 28K or 56K, cable modem, DSL, ISDN)
 - 2. If so, do all staff members have internet access, or is it limited to certain staff?
 - 3. Which browser so you use (please circle one)
Netscape Navigator Internet Explorer Other
Version _____ Version _____ _____
Does your office have its own Web Site? If so, what is the URL "address"?
 - 4. Do you use Adobe Acrobat products? (These software applications are used to view and create Portable Document Formatted (PDF) documents)

If so, what products do you use? (please circle one)

Acrobat Reader only
Version: _____

Acrobat Writer & Reader
Version: _____

5. Do you currently have a document scanner? If so, what brand & model.

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6. What software package are you currently using to create forms (petitions, schedules, matrices, etc.) for new cases? (please circle one)

BK Pro
Version: _____

Best Case
Version: _____

BK 2002
Version: _____

Other
Specify: _____

Does it have "PDF" document creation abilities?

Who is the vendor?

Is the application windows based?

Name, address & phone number of the support person you go to for help with the software package? (Do you have an Account Rep?)

7. For documents other than new case related (i.e.: motions, responses, orders, etc.) which word processing application do you use? (Please circle one)

WordPerfect
Version: _____

Word
Version: _____

Other
Specify: _____
Version: _____

8. Are you a current PACER subscriber? If so, how many PACER users are in your offices?

III. Contact Information

Atty. Name: _____

Law Firm: _____

E:mail address: _____

Mailing Address: _____

Telephone No.: _____ Fax No.: _____

Primarily Practice (please circle one) Debtor work Trustee work Creditor work